

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUAN MARTIN NERI VEGA

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO: 13-CV- 0038-TOR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DIRECTING TRANSFER TO
NORTHERN DISTRICT OF FLORIDA

BEFORE THE COURT is Petitioner's "Objection to Magistrates Recommendation and Order" (ECF No. 10). Magistrate Judge Hutton filed a Report and Recommendation on February 25, 2013, recommending that Mr. Neri Vaga's habeas petition be transferred to the Northern District of Florida (ECF No. 8). Petitioner is incarcerated at the FCI Marianna in Florida. He filed his petition pursuant to 28 U.S.C. § 2241 and paid the \$5.00 filing fee. He insisted that § 2255 was an ineffective and inadequate vehicle for relief of his federal criminal conviction arising in Arizona.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING
TRANSFER TO NORTHERN DISTRICT OF FLORIDA -- 1

1 The Court has reviewed the Report and Recommendation and Petitioner's
2 Objections and is fully informed in this matter. Mr. Neri Vega asserts that (1) he
3 never agreed to the involvement of a Magistrate Judge in this matter; and (2)
4 contrary to the Magistrate Judge's conclusion, this Court does have personal
5 jurisdiction over his custodian. *See* ECF No. 10. The Court disagrees with
6 Petitioner's assertions regarding personal jurisdiction for the reasons articulated by
7 the Magistrate Judge. The fact that Petitioner never consented to the Magistrate
8 Judge's involvement in this case is irrelevant, as it is this Court, rather than the
9 Magistrate Judge, which has ultimate jurisdiction over the case. For the reasons set
10 forth by the Magistrate Judge, **IT IS ORDERED** the Report and Recommendation
11 (ECF No. 8), is **ADOPTED in its entirety**.

12 **IT IS ORDERED** this action is **TRANSFERRED** to the United States
13 District Court for the Northern District of Florida pursuant to 28 U.S.C. § 2241(d)
14 and 28 U.S.C. § 1631.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order, and forward a copy to Petitioner. The District Court Executive is further
3 directed to forward this file with a copy of this Order to the Clerk of the United
4 States District Court for the Northern District of Florida and close the file in this
5 district.

6 **DATED** April 16, 2013.



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THOMAS O. RICE
United States District Judge

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